

REMARKS

This action is in response to the Office Action mailed on August 1, 2003. Claims 1-12 are pending in the case. The Examiner issued a final restriction requirement. The Examiner objected to the abstract of the disclosure. The Examiner objected to claim 7 under 37 CFR 1.75 as being a substantial duplicate of claim 8. The Examiner rejected claims 1-9 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0024780 to Mao et al. (hereinafter “Mao”) in view of U.S. Patent Application Publication No. 2001/0013997 to Sasaki et al. (hereinafter “Sasaki”). The Examiner rejected claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Mao et al. in view of Sasaki et al. and further in view of U.S. Patent Application Publication No. 2002/0054463 to Mukoyamma et al. (hereinafter “Mukoyamma”). The Examiner rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Sasaki and further in view of U.S. Patent Application Publication No. 2001/0014412 to Jongill et al. (hereinafter “Jongill”). The amended claims are believed to be in condition for allowance, and Applicant respectfully requests the prompt allowance of claims 1-12.

Election/Restrictions

Applicant acknowledges the Examiner’s action with regards to claims 13-26. Applicant respectfully disagrees, however in order to advance prosecution with respect to claims 1-12, Applicant hereby affirms the election to prosecute the invention of Group I, claims 1-12.

Specification

Applicant respectfully submits that the format for the abstract of the disclosure is proper. The abstract does not include legal phraseology often used in patent claims, such as “means” and “said.” The abstract also is in narrative form and is within the range of 50 to 150 words. The abstract does not include phrases which can be implied from the title, such as, “The disclosure concerns,” “The disclosure defined by this invention,” “The disclosure describes,” etc. It is unclear to the Applicant the specific offending language contained in the abstract, and the Applicant respectfully requests

more information regarding this objection.

Claim Objections

Claim 7 was objected to under 37 CFR 1.75 as being a substantial duplicate of Claim 8. Applicant has amended claim 8 and respectfully submits that claim 7 and 8 are in condition for allowance.

Claim Rejections

Claims 1-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Sasaki. Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Sasaki and further in view of Mukoyama. Claim 12 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Mao in view of Sasaki and further in view of Jongill. Applicant respectfully traverses these rejections.

Applicant is submitting with this paper a declaration under 37 C.F.R. §1.132 showing that the metal oxide films used by Sasaki are patentably distinct from the claimed “oxidized metallic films.” That is, the films of Sasaki are not oxidized metallic films as recited in the rejected claims, which are films that are deposited and then oxidized as the name suggests. Rather, the film of Sasaki are deposited as metal oxide films. The resultant films are very different and have different properties, as stated in the declaration.

Should additional information be required regarding the traversal of the rejections of the dependent claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,



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